

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

THADIUS J. HOLLAND,

Plaintiff,

v.

TORRES, *et al.*,

Defendants.

Case No. 1:24-cv-00557-JLT-BAM (PC)

ORDER DISCHARGING ORDER  
REQUIRING DEFENDANT GISH TO SHOW  
CAUSE WHY DEFAULT SHOULD NOT BE  
ENTERED

(ECF No. 32)

Plaintiff Thadius J. Holland (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds against Defendants Guadalupe Torres and Candice Gish (“Defendants”) for deliberate indifference to medical care in violation of the Eighth Amendment.

On February 18, 2025, the Court issued an order directing service on Defendants under the Court’s E-Service pilot program for civil rights cases for the Eastern District of California. (ECF No. 22.) Although Defendant Gish was unable to be electronically served, CDCR provided a last known address in Long Beach, California. Service documents for Defendant Gish were then forwarded to the United States Marshals Service.<sup>1</sup> (ECF Nos. 26, 27.)

On April 17, 2025, the matter was forwarded to the Central District of California for personal service on Defendant Gish, and on May 16, 2025, the United States Marshal filed a

<sup>1</sup> Defendant Torres was electronically served and filed a waiver of service on May 13, 2025. (ECF No. 30.)

1 USM-285 form indicating that on April 22, 2025, Defendant Gish's manager was personally  
2 served at the Long Beach address. (ECF No. 31.) After the deadline for Defendant Gish to file a  
3 response to the complaint had expired, the Court issued an order on May 27, 2025 for Defendant  
4 Gish to show cause why default should not be entered against her and extended the deadline for  
5 Defendant Gish to respond to the complaint. (ECF No. 32.)

6 On June 4, 2025, Defendant Gish filed a motion to dismiss. (ECF No. 33.) In the motion  
7 to dismiss, Defendant Gish states that service of the amended complaint was accomplished on  
8 Defendant Gish's previous employer on April 22, 2025. (ECF No. 31.) Defendant Gish,  
9 however, no longer worked for that employer and did not learn of this lawsuit until May 30, 2025.  
10 Defendant Gish, therefore, requests that the order to show cause be discharged. (ECF No. 33-1,  
11 p. 2, n. 1.)

12 Based on the prompt filing of the motion to dismiss in response to the order to show cause  
13 and the assertion that Defendant Gish did not learn of this lawsuit until May 30, 2025, the Court  
14 finds that Defendant Gish has demonstrated an intent to defend the suit on its merits. The Court  
15 can discern no prejudice to Plaintiff as a result of the brief delay.

16 Accordingly, the Court's May 27, 2025 order requiring Defendant Gish to show cause  
17 why default should not be entered, (ECF No. 32), is HEREBY DISCHARGED.

18  
19 IT IS SO ORDERED.

20 Dated: June 4, 2025

21 /s/ Barbara A. McAuliffe  
22 UNITED STATES MAGISTRATE JUDGE  
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